

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ARUN G. RAO
Deputy Assistant Attorney General

AMANDA N. LISKAMM
Director, Consumer Protection Branch

LISA K. HSIAO
Assistant Director

PATRICK R. RUNKLE
Senior Litigation Counsel
450 Fifth Street, NW, Suite 6400S
Washington, D.C. 20001
Telephone: (202) 532-4723
Email: Patrick.R.Runkle@usdoj.gov

MICHAEL J. WADDEN
Trial Attorney
450 Fifth Street, NW, Suite 6400S
Washington, D.C. 20001
Telephone: (202) 305-7133
Email: Michael.J.Wadden@usdoj.gov

SHANNON L. CLARKE
Assistant U.S. Attorney
U.S. Attorney's Office,
P.O. Box 8329,
Missoula, MT 59807
Telephone: (406) 542-8851
Email: shannon.clarke@usdoj.gov
Attorneys for Plaintiff United States of America

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SCOTT RHODES,

Defendant.

CV 21-110-M-DLC-KLD

**UNITED STATES OF
AMERICA'S MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

Plaintiff, the United States of America, by and through its undersigned counsel, hereby moves the Court for Partial Summary Judgment, pursuant to Federal Rule of Civil Procedure 56.

The United States respectfully requests that the Court grant summary judgment as to liability and find that Rhodes committed 4,959 violations of the Truth in Caller ID Act, 47 U.S.C. § 227(e)(1), and Truth in Caller ID Rule, 47 C.F.R § 64.1604, as set forth by the Federal Communications Commission (FCC) in its Forfeiture Order (Doc. 1-3).

In the alternative, the United States respectfully requests that the Court enter detailed factual findings as established under Rule 56(g)—as follows:

1. Rhodes knowingly caused a caller identification service to transmit misleading or inaccurate caller identification information in connection with:
 - a. 837 telephone calls in connection with the August Iowa Campaign.
 - b. 750 telephone calls in connection with the September Idaho Campaign.
 - c. 766 telephone calls in connection with the October Florida Campaign.
 - d. 583 telephone calls in connection with the November Georgia Campaign.
 - e. 2,023 telephone calls in connection with the November–December Charlottesville, Virginia Campaign.

2. Rhodes acted with the intent to wrongfully obtain a thing of value in connection with:
 - a. 837 telephone calls in connection with the August Iowa Campaign.
 - b. 750 telephone calls in connection with the September Idaho Campaign.
 - c. 766 telephone calls in connection with the October Florida Campaign.
 - d. 583 telephone calls in connection with the November Georgia Campaign.
 - e. 2,023 telephone calls in connection with the November–December Charlottesville, Virginia Campaign.
3. Rhodes acted with the intent to cause harm in connection with:
 - a. 837 telephone calls in connection with the August Iowa Campaign.
 - b. 750 telephone calls in connection with the September Idaho Campaign.
 - c. 766 telephone calls in connection with the October Florida Campaign.
 - d. 583 telephone calls in connection with the November Georgia Campaign.
 - e. 2,023 telephone calls in connection with the November–December Charlottesville, Virginia Campaign.

The United States also requests that the Court enter a permanent injunction against Rhodes, the proposed terms of which are embodied in a Proposed Order of Permanent Injunction filed herewith. The only remaining issue in the case is setting the forfeiture amount, for which the Government requests the Court set a two-day trial.

In support of its Motion for Summary Judgment, the United States submits herewith a Brief in Support of Its Motion, a Statement of Undisputed Facts, the Declaration of Giovan Aloisio, with attached exhibits, and a Proposed Order of Permanent Injunction.

DATED this 13th day of October, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney
General

ARUN G. RAO
Deputy Assistant Attorney General

AMANDA LISKAMM
Director, Consumer Protection Branch

LISA K. HSIAO
Assistant Director

SHANNON L. CLARKE
Assistant U.S. Attorney

/s/ Michael J. Wadden

PATRICK R. RUNKLE
Senior Litigation Counsel
MICHAEL J. WADDEN
Trial Attorney
Consumer Protection Branch
United States Department of Justice
Attorneys for Plaintiff United States

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of October, 2023, a copy of the foregoing document was served on the following person by the following means.

1,2 CM/ECF
_____ Hand Delivery
_____ U.S. Mail
_____ Overnight Delivery Service
_____ Fax
_____ E-Mail

1. Clerk of Court

2. Scott Rhodes
1104 Louisiana Avenue,
Libby, MT 59923

/s/ Michael J. Wadden
Michael J. Wadden
Trial Attorney
Attorney for Plaintiff